



## **Process For Non-Conforming Use:**

### **Administrative Approval Application**

1. A separate application is required for each approval, **notarization is required.**
2. A filing fee of \$250-\$550 is required for each application (fee is based on application type)
3. A comprehensive written proposal is required to accompany the application.
4. A map showing the location of the subject property-adjacent property owners to be supplied by staff.
5. The applicant must supply the Zoning office with the list of all properties on the mailing list.
6. The applicant is responsible for notifications to all adjacent properties by mail, certified, return receipt. The address on the back of the “green” card must be returned to:

Community Development and Planning  
Zoning Technician  
10455 Armstrong St. Room 207 Annex  
Fairfax, VA 22030

**(please make sure the case number is written on the back of the green card)**

***Notify staff the date letters are mailed by returning the receipt of purchase to the Zoning Office.***

7. Plans must accompany the notification letters (8 ½ x 11 is acceptable).
8. Please see sample notification letter.
9. Applicant may e-mail a draft application packet for review if desired, prior to formal submission.  
E-mail: [alexis.el-hage@fairfaxva.gov](mailto:alexis.el-hage@fairfaxva.gov) or [carolina.garcia@fairfaxva.gov](mailto:carolina.garcia@fairfaxva.gov)

NOTE: If a project requires the Board of Architectural approval, the approval must be completed prior to administrative approval.

If you should have questions or concerns regarding this process, please contact the City of Fairfax zoning office at 703-385-7820 or by e-mail at the above addresses.

**(SAMPLE LETTER)**

**Notice of filing of an application for Administrative Approval for  
(Insert type of application here)**

Date

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Name

Mailing Address

**Re: Address and parcel ID# required**

Dear Property Owner:

This letter is to inform you that I have filed an application with the City of Fairfax, Department of Community Development and Planning, seeking an Administrative Approval for Non-Conforming Use **(Scope of proposal)**.

Applications for Non-Conforming Use are reviewed by the Zoning Administrator and approved administratively. If you should have questions or concerns, please contact the City of Fairfax Zoning Office, at 703-385-7820 within five (5) days of receipt of this letter.

Sincerely,

Applicant's name

Mailing Address



Application No. \_\_\_\_\_  
Parcel Number: \_\_\_\_\_  
**Fee: \$550.00**

**ADMINISTRATIVE APPROVAL APPLICATION  
NON-CONFORMING USES  
CITY OF FAIRFAX**

I/We \_\_\_\_\_ hereby apply to continue/ alter/ or enlarge (circle one)  
(Name of Property Owner or Agent)  
a legal nonconforming use, located at \_\_\_\_\_  
(Site Address)

pursuant to **Section 110-127** of the City Code, which states:

"...the Zoning Administrator may approve the continuation, alteration, and/or enlargement of any legally existing commercial, industrial, institutional, or government building by an amount not to exceed the lesser of twenty five percent (25%) or 5,000 square feet, provided that the building, location, lot, and use shall comply with all of the regulations of the zoning ordinance except for preexisting deficiencies and further provided that such enlargement shall not increase the extent of nonconformity. The Zoning Administrator may approve such continuation, alteration, and/or enlargement only after considering:

1. Consistency with the comprehensive plan and other adopted city goals and policies;
2. The size and shape of the lot on which the use is proposed;
3. Vehicular and pedestrian traffic;
4. Trip generation characteristics of the proposed use;
5. Site design;
6. Lighting, noise, traffic, sight, smoke, dust, odor, vibration, and other factors which may affect the serenity of the neighborhood;
7. The safety and movement of vehicular traffic upon adjacent streets;
8. The safety and welfare of residents living in the area;
9. The location, height, and design of buildings, walls, fences, and landscaping proposed;
10. Overall impact of the proposed use upon the development and use of adjacent land;
11. Safety and welfare of persons working in the neighborhood;
12. Harmony of the proposal with the general purpose and intent of the applicable article of the zoning ordinance; and
13. The purposes of zoning ordinances set forth in section 15.2-2283 of the Code of Virginia."

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**A DEVELOPMENT PLAN MUST BE SUBMITTED AS REQUESTED BY  
THE ZONING ADMINISTRATOR**

WITNESS the following signature: \_\_\_\_\_  
Applicant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the State of \_\_\_\_\_.  
My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Registration No.

Application Approved by \_\_\_\_\_  
Zoning Administrator

Date \_\_\_\_\_